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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 December 1991, at 3 p.m.

Chairman: Mrs. BONOAN-DANDAM

later: Mr. ALSTON

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GE.91-18923/4039B

The meeting was called to order at 3.15 p.m.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 9) (continued) (E/C.12/1991/WP.6)

1. Mr. SIMMA, introducing the draft recommendations to the Preparatory Committee for the World Conference on Human Rights (E/C.12/1991/WP.6) noted that the first preambular paragraph of the document referred to the relevant resolutions and decisions adopted on the subject to date, and concluding with a resolution adopted by the Third Committee on 22 November 1991, for adoption by the General Assembly at its current session.

2. The objectives of the Conference could be summarized as including any action which might serve the cause of human rights. The Committee on Economic, Social and Cultural Rights, in common with the other treaty bodies, had been asked for ideas relating both to the preparation of the Conference and its agenda. The sessional working group had formulated the draft recommendations before the Committee. They were based on working papers prepared by Mr. Alvarez Vita and Mr. Konate, input by other members of the working group, Mr. Alston's 1989 study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments (A/44/668) and the recommendations of the other treaty bodies.

3. The draft recommendations were more extensive than those of the other treaty bodies because the Committee would not meet again until late 1992 when the Preparatory Committee would have done most of its work. The Committee should therefore submit specific suggestions at the present stage. The preamble rehearsed the fundamental ideas relating to human rights to remind the Preparatory Committee that the Committee's specific suggestions were based on those assumptions.

4. Paragraph 1 of the document decided to request its Chairperson or other designated members of the Committee to represent the Committee at all further sessions of the Preparatory Committee. That decision was identical to the decisions of all the other human rights bodies and complied with a request from the General Assembly, the Commission on Human Rights and the Preparatory Committee itself.

5. Paragraph 2 (a) to (o) listed 15 recommendations relating either to the preparatory work for the Conference or to the Conference agenda, as for example in paragraph 2 (b) and (c). He would like to have the views of the Committee on paragraph 2 (d) which suggested that not only the Chairpersons but all members of human rights treaty bodies should be invited to attend the Conference as observers. Paragraph 2 (e) was taken from the recommendations put forward by the Committee on the Rights of the Child; paragraph 2 (f) to (j) had been taken from Mr. Konate's working paper. With regard to paragraph 2 (k), he recalled that all the relevant General Assembly and Commission on Human Rights resolutions proposed as one of the objectives of the Conference a comprehensive evaluation of the implementation procedures of human rights instruments. It was therefore natural for the Committee on Economic, Social and Cultural Rights to focus on that objective. The proposal in paragraph 2 (l) to (o) went beyond the reporting system. Paragraph 2 (m)

proposed that steps should be taken to enhance the efficiency of the Centre for Human Rights. With regard to paragraph 2 (n), he drew attention to the proposals to explore the issue of the creation of an International Court for Human Rights and the establishment of a (research) Institute for Human Rights connected with the Geneva Centre. With reference to paragraph 2 (o), since the General Assembly and other resolutions had called for suggestions for "analytical and action-oriented" studies he had listed five topics, which, like the list of issues under paragraph 2 (n), had been selected after informal consultations with members of the Committee.

6. In conclusion, he drew attention to a number of corrections which should be made to the text of document E/C.12/1991/WP.6: in the third line of draft recommendation (h) (i), "hard stick" should read "yardstick"; in the first line of (k) (iii) "merge" should read "merger" and in the first line of (k) (vi), "expertise of members of" should read "expertise of the". Finally, after discussion, draft recommendation (m) had been amended to read: "Steps should be taken to ameliorate the efficiency of the Centre for Human Rights by strengthening its staff, in particular by recruiting new personnel already having experience in international human rights matters, revising the Centre's international organization of work and bringing to bear modern management techniques;".

7. Mr. ALVAREZ VITA said that he was at a loss to understand why the word "interdependent" was not used in referring to human rights and fundamental freedoms in the second preambular paragraph.

8. He also wondered whether the decision in paragraph 1 that the Chairperson should represent the Committee at the sessions of the Preparatory Committee tallied with the recommendation in paragraph 2 (d) that all members of the Committee should be invited to attend the World Conference.

9. Mr. SIMMA agreed that there had been discussion in the sessional working group about the phrase used in the second preambular paragraph: indeed it was a discussion over the use of words which had been going on for decades. He had hoped he had done justice to Mr. Alvarez Vita's request by taking the text of the second preambular paragraph verbatim from the Third Committee's resolution for adoption by the General Assembly and by using Mr. Konate's text in paragraph 2 (f) and (g) in which the word "interdependent" appeared.

10. Mr. ALVAREZ VITA said it seemed to him strange, in a document for adoption by the Committee, that the terminology used to describe human rights should be different in the preambular and the operative parts. The words "indivisible, interdependent" were used as a subheading in Fact Sheet No. 16, on the work of the Committee on Economic, Social and Cultural Rights, published by the Centre for Human Rights as an official United Nations document (ISSC 1014-5567, p. 8). Furthermore, in paragraph 28 of the discussion note on the question of drafting an optional protocol to the Covenant (E/C.12/1991/WP.2), there was an explicit reference to "the doctrine of the interdependence and indivisibility of all human rights".

11. Mr. MRATCHKOV said that he supported the draft recommendations as a whole but he would like to suggest a few amendments. In paragraph 2 (g), the words "and indivisible" should be added in the first line after the word

"interdependent", referring to the twin concepts. In the last line of paragraph 2 (h) (i), after the words "the beneficiaries of progress made" should be added the words "in the development of the States parties". In paragraph 2 (k) (i), relating to the use of advisory services, the words "and practice" should be added after the phrase "bringing domestic legislation", since national practice in States parties formed a vital aspect of their obligations. Furthermore, in the following topic under paragraph 2 (k) (i), he wondered about the use of the word "consolidation" in reference to the reports. The contents of such reports must correspond to the differing contents of the various instruments. He thought that the desirable goal was more uniformity in the presentation and drafting of reports, rather than the production of standardized reports. He had considerable reservations about the suggestion in brackets of going as far as preparing one single comprehensive report.

12. Mr. Alston took the Chair.

13. Mrs. JIMENEZ BUTRAGUEÑO said that the Spanish text of paragraph 2 (h) (iii), did not make the meaning clear. She also had reservations about the suggestion in paragraph 2 (k) (i) of consolidating the reports of States parties. The Committee had just formulated new guidelines and it was too early to contemplate any further modifications. With regard to paragraph 2 (o) (v), she felt that children should be given priority among the vulnerable members of society; migrants and minorities might also be mentioned. A reference to the situation of women in some parts of the world was also desirable.

14. Mr. MUTERAHEJURU said that when the third and fourth preambular paragraphs were read in conjunction with paragraph 2 (h) (iii), it appeared preferable to emphasize the process of democratic reform rather than the transition from centrally planned to market economies, which in his view was merely a consequence of the democratic changes under way throughout the world.

15. Mr. KONATE endorsed Mr. Muterahejuru's remark and said that he too felt that the expression "democratic transition" would be more appropriate in the third preambular paragraph, as it would encompass both the political and the economic changes under way. Regarding Mr. Alvarez Vita's concern about the absence of the word "interdependent" from the second preambular paragraph, he thought that the problem might be merely one of translation, as the French text used the word interdépendent. He concurred with Mr. Mratchkov that the words "and indivisible" should be inserted after the word "independent" in paragraph 2 (g); regarding his remark on paragraph 2 (h) (i) he suggested inserting the words "in that field" after the word "progress" in the last line of the paragraph. In the French version of paragraph 2 (k) (ii), he suggested that the word désirabilité in the first line should be replaced by the word opportunité.

16. With regard to the remarks by Mrs. Jimenez Butragueño concerning the examples given between brackets in paragraph 2 (o) (v) he said that the list of examples of particularly vulnerable members of society could be expanded, although that might prove cumbersome, or simply deleted.

17. Mr. SIMMA, commenting on the suggestions made by members of the Committee first of all said that there would be no problem in replacing the word désirabilité by opportunité, and no change would be required in the English version. Regarding the list of examples of the most vulnerable members of society, the categories chosen were those that were currently being studied by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and he was not in favour of lengthening the list as that would reduce the likehood of the studies ever being prepared. If any change were made he would prefer the examples to be deleted.

18. With regard to the point made both by Mr. Muterahejuru and Mr. Konate, concerning the transition from centrally planned to market economies and the countries engaged in democratic reform, he said that the paragraphs in question addressed different issues. The third preambular paragraph specifically concerned States such as the States of the former Eastern Bloc that were undergoing transition from centrally planned to market economies, as a result of which they faced particular difficulties in ensuring adequate implementation of the Covenants. Paragraph 2 (h) (iii) concerned countries such as the so-called "little tigers" that were making great strides in the economic sphere, but at considerable cost to democracy.

19. He entirely agreed with Mr. Mratchkov that the words "and practice" should be inserted after the words "domestic legislation" in paragraph 2 (k) (i). With regard to the apparently controversial idea of consolidating reports by different treaty bodies, advanced in the same paragraph, he pointed out that the World Conference would be on the lookout for new ideas, and that the idea of a consolidation of the treaty bodies themselves had even been advanced. It was important for the Committee's recommendations to go beyond established bureaucratic practice and to suggest innovations that would undoubtedly be welcomed by the World Conference. Lastly, with regard to the discussion on the word "interdependent", he suggested there was no other way of translating "interrelated" into French than by interdépendent, and that it would be sufficient to use that word in the French text, and "interrelated" in the English version.

20. Mr. FOFANA said that although most of his concerns had already been addressed by other members of the Committee, he felt, with regard to paragraph 2 (a), that while it was important to induce States Members of the United Nations to become parties to the two International Covenants, before addressing the issue of the possible unification of reporting procedures, it was even more important to encourage State to submit the reports required under the Covenants. The Economic and Social Council had already criticized those States that had never submitted reports to the human rights treaty bodies, and he felt that it was important for the Committee to address that issue. Although paragraph 2 (k) (v) mentioned the reporting obligations of States, he would like the matter to be specifically addressed in paragraph 2 (a).

21. Mr. NENEMAN drew attention to the need to specify more precisely in paragraph 1 exactly how other members of the Committee were to be designated to represent it at all further sessions of the Preparatory Committee. He agreed with Mr. Fofana about the need specifically to address the issue of those States that had not submitted reports in compliance with their treaty obligations, and suggested that they should perhaps be singled out in a

separate paragraph. The recommendations rightly advanced innovative ideas, as was appropriate for a Conference that was held only once in a decade. However, he was somewhat concerned about the excessively technical nature of some of the recommendations concerning the work of the Committee itself, such as the need for better coordinated reporting cycles and for sufficient meeting time for the treaty bodies, which were perhaps not appropriate in a document of that nature.

22. Mr. MARCHAN ROMERO said that the stimulating debate which had taken place the previous day on the issue of social and economic indicators deserved to be reflected in the recommendations to the World Conference. The Committee's prime obligation was to monitor compliance by States with their obligations under the International Covenant on Economic, Social and Cultural Rights. Although the field of social and economic indicators was a complex and controversial one, he felt that such indicators were a vital tool to allow the Committee to assess the degree to which States parties complied with their obligations. The Committee's recommendations should take up the issue of social and economic indicators and he suggested inserting the following paragraph: "to encourage all United Nations treaty bodies to intensify their debates and studies, either individually or with the assistance of the specialized agencies and, if necessary, non-governmental organizations, in order to progress with the analysis of the most suitable indicators to assess the progress by States parties in complying with their obligations under the International Human Rights instruments."

23. Mr. WIMER ZEMBRANO said that he shared Mr. Alvarez Vita's concern about the absence of the word "interdependent" from the English version of the recommendations. In his view, there was no doubt that the word interdépendent in French and interdependiente in Spanish indicated a stronger relationship than was suggested by "interrelated" in English. With regard to the examples of particularly vulnerable members of society proposed in paragraph 2 (o) (v), he felt that it was preferable to delete them, as specific groups were vulnerable in some countries but not in others, and any attempt to designate specific groups as being universally vulnerable might lead to a sterile debate.

24. Mr. KOUZNETSOV said that he strongly supported Mr. Marchan Romero's suggestion for the inclusion of a paragraph to give greater emphasis to the major issue of social and economic indicators. His earlier scepticism about the subject had been transformed by the previous day's debate into a realization of the importance for the work of the Committee of cogently assembled statistics. He proposed the insertion of an additional paragraph, which, if acceptable to the Committee, would become paragraph 2 (o) (vi), and which would read as follows: "The most important statistical indicators suitably reflecting the real situation as regards the observance of economic, social and cultural rights in States parties." He had been struck by the remark made on the previous day to the effect that the field of social and economic indicators was a nightmare, and believed a study by the secretariat of the most important indicators would be of considerable value to the Committee.

25. The CHAIRMAN said that it was within the Committee's brief to ask the Secretary-General to prepare a study on the feasibility of tailoring social

and economic indicators for the specific purposes of the Committee, and it could make such a request directly to the Secretary-General without having to wait until the World Conference.

26. Mr. SIMMA said that Mr. Marchan Romero and Mr. Kouznetsov had made an important point that deserved to be mentioned at some point in the Committee's recommendations. The reason why he had not included the topic in the list of studies in paragraph 2 (o) was because it had been his understanding that the process of studying the issue was already well under way and he had felt that it would be superfluous to request a further study. Mr. Türk had devoted several years to the topic, and a workshop and an expert meeting on the subject were already planned. In the light of those circumstances, he had felt that it would be superfluous to ask the secretariat to pursue the matter further. In his view, any studies for the Committee's purposes should be short and action-oriented.

27. The CHAIRMAN said that he did not believe that any of the many studies already under way were specifically aimed at satisfying the needs of the Committee.

28. Mr. MARCHAN ROMERO said that the amendment he had proposed had been prompted precisely by the fact that, as had clearly emerged from the previous day's discussion, there was as yet no agreement on indicators and that human rights treaty monitoring bodies should be encouraged to continue their work.

29. The CHAIRMAN suggested the deletion of the words "by the secretariat" in paragraph 2 (o).

30. Mr. ALVAREZ VITA, returning to what he saw as the fundamental issue of conformity between the various language versions, said that the words "interdependence" and "interrelationship" were clearly not synonymous, whether in Spanish, French or English. He could not agree to aligning the other language versions on the English version of the second preambular paragraph as it now stood, since to lose the notion of the interdependence of human rights would be tantamount to changing a long-standing body of United Nations doctrine in that field. Wisdom therefore dictated the use of all three words - indivisible, interrelated and interdependent.

31. The CHAIRMAN said that he appreciated the importance of the issue and had no objection to the use of the three words.

32. Mr. WIMER ZAMBRANO said that he considered the use of the word "interrelated" to be superfluous, and saw no reason to use three words where two would suffice.

33. The CHAIRMAN said that his understanding of the background to the issue was that the developing countries favoured the maintenance of the terms "interdependent" and "indivisible" used since about 1950 - a view he shared - whereas at some stage in recent years, some Western countries had introduced the term "interrelated" in order to play down the relationship among human rights. He would prefer to keep the word "interdependent" so as to avoid any interpretation of the word "interrelated" as a lower standard. In order to save time and reach a consensus, he would advocate the use of all three words, as suggested by Mr. Alvarez Vita.

34. Mr. KONATE asked whether Mr. Simma had any particular reason for insisting on the word "interrelated" in the second preambular paragraph of the English version, since "interdependent" had been used on two other occasions in the text. He had no problem with the French version, since the word "interrelated" had been translated as "interdépendant" and indeed had no other equivalent in French.

35. Mr. SIMMA explained that his use of the word "interrelated" in the preamble had been prompted simply by his concern to seek out, in General Assembly resolutions on the World Conference on Human Rights, an expression of principle that should equally be asserted by the Committee. The Third Committee resolution to which he had referred had been sponsored by 50 countries from all the regions of the world, including Germany, Mexico, Peru, Senegal and Poland. He believed he had done justice to Mr. Alvarez Vita's concerns by referring to interdependence on two other occasions in the operative part of the text, where the Committee was using its own wording and not quoting General Assembly resolutions.

36. Mr. ALVAREZ VITA pointed out that Committee members were independent experts and not representatives of States. The wording of Committee recommendations did not have to be aligned on that of General Assembly resolutions. Moreover, in the text now before the Committee he saw no reason why the second preambular paragraph should automatically follow on from the first, which merely recalled General Assembly resolutions. He would therefore press for the inclusion of the three words.

37. Mr. SIMMA drew attention to the second preambular paragraph of General Assembly resolution 45/155 on the World Conference on Human Rights which included the wording "indivisible and interrelated" in the English version, indivisibles e interrelacionados in the Spanish and indivisibles et interdépendants in the French. The incorporation of the three words into the English version of the text now before the Committee would therefore again pose the problem of different language versions - the very problem the Committee now faced. Logically, therefore, the text might just as well be left as it was.

38. The CHAIRMAN suggested that it should be left to the language services to find a suitable translation for the three words in all language versions.

39. Mr. SIMMA said that he would agree to the incorporation of all three words wherever they occurred in the text, subject to reconsideration of the question should the Language Services fail to provide a synonym for the word "interrelated" in all language versions.

40. The CHAIRMAN said that if there was no objection he would take it that the Committee agreed to include all three words wherever they occurred in the text, pending the alignment of the French version on the other versions in accordance with previous practice.

41. It was so decided.

42. The CHAIRMAN said that if there was no objection, he would take it that the Committee agreed on the draft text of document E/C.12/1991/WP.6 as a whole, as amended, pending consideration of the final version when the Committee adopted its report.

43. It was so decided.

44. The CHAIRMAN thanked the members of the sessional working group, especially Mr. Simma, for their contribution to the preparations for the World Conference on Human Rights.

ORGANIZATION OF WORK (agenda item 4) (continued)

Draft general comment on the right to adequate housing (article 11 (1) of the Covenant) (E/C.12/1991/CRP.2/Add.1)

45. The CHAIRMAN invited members of the Committee to consider, paragraph by paragraph, the draft general comment prepared by Mr. Simma.

Paragraph 1

46. Mr. MRATCHKOV said he wished to see the inclusion, either at the end of the first paragraph or as a separate paragraph, of a reference to the fact that the right to housing was one of the facets of the right to an adequate standard of living, seen in the context of article 11 of the Covenant as a whole. The rights listed in the first paragraph of article 11 were interdependent even if they were divisible.

47. Paragraph 1, as amended, was adopted.

Paragraphs 2-5

48. Paragraphs 2-5 were adopted.

Paragraph 6

49. Mr. MRATCHKOV said that the matter at hand was to determine the subjects of the right to housing. More emphasis should perhaps be placed on the aspect of the right to housing concerning the individual and his family. From a legal point of view, the concept of the family could be interpreted in a number of ways. He believed that in article 11 (1) of the Covenant it was meant in the broader sense, and suggested that that might be reflected in paragraph 6.

50. The CHAIRMAN said a statement to the effect that the family was to be defined broadly and not restricted to the nuclear family would be inserted in paragraph 6.

51. Paragraph 6, as amended, was adopted.

Paragraph 7

52. Mrs. BONOAN DANDAM asked for clarification of the syntax of the second sentence of paragraph 7.

53. Mr. SIMMA suggested that the words "somewhere to" should be deleted from the sentence.

54. Mr. WIMER ZAMBRANO said that, in the past, it had been the Committee's practice to deal with minor details of drafting at a later stage in the proceedings. He noted, for instance, that in the Spanish version of the document under consideration the word "roof" was rendered by tejado, whereas the correct word was techo. That, however, was not a matter of substance; such questions were best dealt with through informal contacts between members and the Secretariat.

55. The CHAIRMAN said that the Secretariat would take note of Mr. Wimer Zambrano's specific comment regarding the Spanish text, and of other details of drafting to which members might draw attention.

56. Mr. SIMMA proposed two additions to paragraph 7. In the first sentence, after the words "a roof over one's head ...", the words ", or views shelter exclusively as a commodity" should be inserted. The fifth sentence, beginning with the word "Thus", should conclude with the words ", most importantly, that housing rights should be ensured to all persons, irrespective of income or access to economic resources."

57. Mr. KONATE asked who was to ensure the housing rights referred to.

58. Mr. SIMMA said that the thrust of the proposed amendment was not that housing rights should be ensured, but that all persons should benefit from them, irrespective of income or access to economic resources. The housing rights might be ensured by the State, the private sector, or some parastatal institution.

59. Mr. KONATE hoped that the current proceedings merely constituted a first reading of the draft general comment. The right to housing was a fashionable concept, but the Committee must try to define its nature and content, rather than simply assuming that the only problem was to secure its application. Until such a definition had been established, the Committee should adopt the draft general comment on a preliminary basis only.

60. The CHAIRMAN confirmed that, at the current meeting, the Committee was seeking to adopt the draft merely on a preliminary basis; further revision could take place subsequently, if necessary, when the Committee came to adopt its final report on the sixth session. Furthermore, if adopted at the current session, the draft general comment could still of course be revised at subsequent sessions. One way of meeting Mr. Konate's concern might perhaps be to state that the draft general comment needed to be read in close conjunction with General Comment No. 3, which made it clear that, while it was incumbent upon States parties to ensure that rights were realized, the precise manner in which they did so was a matter for each State party to decide.

61. Mr. MRATCHKOV supposed that Mr. Simma had deduced the right to housing from the more general right to an adequate standard of living, set forth in article 11 (1) of the Covenant. If that was the case, the Committee should make the fact clear in the opening paragraphs of the draft general comment, thereby circumventing the legalistic problems that might arise from the fact that the right to housing was not specifically enshrined in the Covenant.

62. The CHAIRMAN took issue with the latter part of Mr. Mratchkov's comment, but agreed with the general thrust of his proposal. He understood that the proposal was also acceptable to Mr. Simma.

63. Mr. KONATE was adamant that the Committee should broaden the debate and avoid acting hastily. He respectfully submitted that the notion of a right to housing was something of a cliché. If there was a right to housing, of whom could one demand its performance? The text must answer that and other fundamental questions. The Committee needed more time to consider the issues, and should adopt the text at its following session, after a second reading.

64. Mr. MRATCHKOV said that the same problem would arise with regard to every single right set forth in the Covenant, without exception.

65. The CHAIRMAN asked whether, as an interim solution, Mr. Konate would agree to the addition of a sentence to the effect that, in relation to the question of obligations attaching to the right to housing, the Committee drew attention to its own General Comment No. 3 on the nature and scope of States parties' obligations.

66. Mr. KONATE said that the Chairman's proposal did not address his concern. The Committee was working for posterity. The draft general comment was a useful contribution to that work; but it was premature to talk in terms of a "right to housing", when no attempt had been made to define the content of that right. It must be made clear at the outset that the general comment was merely a first tentative appraisal of the issue.

67. The CHAIRMAN thought that the best course would be to continue with a first reading of the draft general comment with a view to identifying specific difficulties, before returning to the broader issues at a later date. Mr. Simma would take note of Mr. Konate's specific reservations with regard to paragraph 7.

68. Paragraph 7, as amended was adopted.

Paragraph 8

69. Mr. MRATCHKOV said that paragraph 8 (a) should include lease among the various forms of tenure listed. Furthermore, paragraph 8 (b) made no mention of space among the various essential facilities. "Housing" was, after all, a place where one spent most of one's life. Mr. Simma had doubtless considered space too obvious a facility to merit a mention.

70. Mr. KONATE asked how, if the Committee believed that it was possible to identify certain aspects of the right to housing that must be taken into account in any particular context, it could apply all the parameters listed to

African pygmies, for example, or to Eskimos. Legislations required minimum standards of comfort and safety with regard to human settlements; yet nothing in the text indicated that States must apply those minimum standards. The Committee should exercise flexibility and caution in its approach.

71. The CHAIRMAN suggested that Mr. Konate's concern could be addressed by inserting a phrase such as "as far as applicable" after the words "for this purpose" in the second sentence of paragraph 8.

72. Mr. SIMMA said that the same problem would arise with regard to all the rights set forth in the Covenant. While the aspects enumerated in paragraph 8 obviously applied primarily to the more developed countries, it had seemed best to proceed on the basis of conditions to which all persons could be assumed to aspire. In his view, the Chairman's suggestion would take care of Mr. Konate's concern.

73. Mr. MRATCHKOV said that in principle he shared Mr. Konate's concern. If the Committee were to stress the words "States parties recognize the right ...", the fact that those rights had, as it were, both a "credit" side and a "debit" side would be clearly underscored. Even Eskimos and pygmies lived in a State society, in which the State would assume responsibility for ensuring the enjoyment of those rights.

74. Mr. SIMMA proposed adding "energy for cooking, heating and lighting" to the list in paragraph 8 (b), and deleting the word "piped" before "drinking water".

75. Mrs. JIMENEZ BUTRAGUEÑO suggested that a better formulation of the expression la ocupación por el propietario in the Spanish text would be la vivienda en propiedad.

76. Mr. NENEMAN proposed amending the first sentence of paragraph 8 (d) so as to open with the words "Adequate housing must be habitable, in terms of climatic conditions, protecting the inhabitants from cold, heat, damp ...", etc.

77. Mr. SIMMA concurred with Mr. Neneman's suggestion. He also proposed replacing the words "deficient housing is invariably" with "deficient housing and living conditions are invariably", in the last phrase of paragraph 8 (d).

78. Mr. MARCHAN ROMERO wondered whether it was right to say that disadvantaged groups must be "accorded" access to adequate housing resources. Surely they had a right to those resources? The word "accorded" should be replaced by "guaranteed".

79. Mr. SIMMA thought the word "guaranteed" too strong. He proposed amending "accorded" to "ensured". He also drew attention to the request made by a number of non-governmental organizations, that "victims of natural disasters and people living in disaster-prone areas" should be added to the list of disadvantaged groups.

80. Mr. KONATE was opposed in principle to exhaustive lists of the situations in which individuals found themselves. In his view, the second sentence of paragraph 8 (e) should be amended so as to open with the words "Disadvantaged groups, including victims of natural disasters, must be ...". The third sentence should be deleted.

81. Mr. SIMMA said that he strongly favoured retaining the list of groups that were at a special disadvantage with regard to housing. However, it was for the Committee to decide on the matter.

The meeting rose at 6.05 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 11 December 1991, at 10 a.m.

Chairman: Mr. ALSTON

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Report of the Committee to the Economic and Social Council (continued)

Organization of work (continued)

This record is subject to correction.

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GE.91-18979/4346B

The meeting was called to order at 10.15 a.m.

REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 11) (continued) (E/C.12/1991/CRP.1 and Add.1 to 10; E/C.12/1991/CRP.2 and Add.1 and 2)

General comment No. 4 (E/C.12/1991/CRP.2/Add.1) (continued)

Paragraph 8 (e) (continued)

1. Mrs. BONOAN-DANDAM thought that the list of beneficiaries of "some degree of priority consideration in the housing sphere" in the third sentence should be kept rather than just the term "disadvantaged groups", which had too broad a connotation and might be interpreted too freely by some States to suit their interests. "Victims of natural disasters" and "persons living in disaster-prone areas" might also be included in the list.

2. Mr. MRATCHKOV said that, if the list was kept, it must be made clear that it was indicative and not exhaustive.

3. The CHAIRMAN said that a solution might be to begin the third sentence with the words: "Thus such disadvantaged groups, including the elderly, etc." and, to add the words "as well as the victims of natural disasters" and "persons living in disaster-prone areas" after the words "disadvantaged groups" in the second sentence.

4. Paragraph 8 (e), as amended, was adopted.

Paragraph 8 (f)

5. Mr. SPARSIS proposed the addition of the words "child-care facilities" after "schools" in the first sentence, since one of the reasons preventing women from working was that there were no facilities of that kind where they could leave their children. In addition, the adjective "social" should be deleted before "facilities" at the end of the sentence because developing countries might have difficulty in setting up social facilities in the strict sense, which meant that in many cases child care would be entrusted to grandparents or other members of the family.

6. Mr. SIMMA proposed the deletion of the word "particularly" at the beginning of the second sentence, which should be reworded to read: "This is true both in rural areas and in large cities ...", which was closer to the truth.

7. Paragraph 8 (f), as amended, was adopted.

Paragraph 8 (g)

8. Mr. SIMMA proposed that the end of the first sentence, after the word "must", should be amended to read "... appropriately enable the expression of cultural identity and diversity of housing".

9. It was so decided.

10. Mr. SIMMA proposed that a suggestion by Mr. Neneman might be taken into account by adding the following words to the end of subparagraph (g): "and that such housing includes, inter alia, facilities for satellite and cable television".

11. The CHAIRMAN pointed out that dwellings in many countries did not even have running water - where that was the case, such a recommendation would be grotesque. He suggested keeping to a more general formulation, such as: "and that such housing includes modern technological facilities, as appropriate".

12. It was so decided.

13. Paragraph 8 (g), as amended, was adopted.

Paragraph 9

14. Paragraph 9 was adopted.

Paragraph 10

15. Mr. SIMMA proposed the following amendments: (1) reword the end of the first sentence, after "adequate housing" to read "are often viewed as being time-consuming, complex and costly."; (2) insert the following sentence between the first and second sentences: "However, these steps do not necessarily involve complex procedures or substantial public expenditures."; (3) delete the word "But" at the beginning of the third sentence.

16. Mr. SPARSIS thought that a stronger tone was called for and suggested replacing the first two sentences of the paragraph by: "Irrespective of a country's degree of development, certain steps must be taken immediately".

17. Mr. SIMMA considered that the wording proposed by Mr. Sparsis was too strong. He would prefer a more flexible tone in order to let it be seen that the Committee was aware of the difficulties some States would have in taking the steps in question.

18. Mr. SPARSIS said that, familiar as he was with the situation in some States, he could not be "flexible" with Governments that had not taken even the most elementary steps in the housing sphere.

19. The CHAIRMAN said that, if Mr. Simma did not object, the Committee would adopt the version of the paragraph proposed by Mr. Sparsis.

20. Paragraph 10, as amended, was adopted.

Paragraph 11

21. Mrs. JIMENEZ BUTRAGUEÑO said that the first sentence sounded confused; after the word "priority" it should read: "on groups of society living in deprived conditions, giving them preferential treatment".

22. Paragraph 11, as amended, was adopted.

Paragraph 12

23. Mr. SIMMA proposed the addition of the following sentence at the end of the paragraph: "Furthermore, steps should be taken to ensure coordination between ministries in order to reconcile related policies (economic, agricultural, environmental, energy, etc.) with the obligations arising out of article 11 of the Covenant."

24. Mr. SPARSIS agreed with Mr. Simma's proposal, subject to the addition after "ministries", of "and local authorities".

25. Mrs. JIMENEZ BUTRAGUEÑO proposed the further addition of "regional authorities and other bodies".

26. Mr. SIMMA also proposed the addition of the words "and mutually satisfactory" before the word "consultation" in the last sentence of paragraph 12.

27. Mr. KONATE stressed that it was the Committee's duty to encourage dialogue and not to impose agreement among the parties in question.

28. Mr. SPARSIS proposed that the various views might be reconciled by using the word "genuine" and saying "genuine, extensive consultation".

29. Paragraph 12, as amended, was adopted.

Paragraph 13

30. Mr. MARCHAN ROMERO considered that, as it now stood, paragraph 13 weakened the scope of article 11, paragraph 1 of the Covenant. The Committee could not give the impression that a State was complying with its obligations under article 11, paragraph 1 of the Covenant merely by taking steps to "ascertain the full extent of homelessness and inadequate housing". He therefore proposed the insertion of the words "inter alia" between the words "demonstrate" and "that it has taken" in the second sentence of paragraph 13.

31. Paragraph 13, as amended, was adopted.

Paragraphs 14 to 16

32. Paragraphs 14 to 16 were adopted.

Paragraph 17

33. Mr. ALVAREZ VITA, referring to the Spanish version of the text, proposed that the final sentence of the paragraph should be drafted in the indicative rather than the conditional mood.

34. The CHAIRMAN endorsed Mr. Alvarez Vita's proposal and proposed similarly that in the English version of the text, the word "might" should be replaced by "would" in the final sentence. The text would now read: "In some legal systems it would also be appropriate ...".

35. Mr. FOFANA pointed out that, at least in countries under French law, courts ruled on specific cases and did not have the power to issue general orders or "injunctions". Consequently, the appeals procedure provided for under (a) in the second sentence of paragraph 17 did not exist in those countries.

36. The CHAIRMAN said that some wording must be found that did not exclude any of the major legal systems and proposed that the beginning of the second sentence of the paragraph should be amended to read: "Depending on the legal system, such areas might include but would not be limited to:".

37. It was so decided.

38. Paragraph 17, as amended, was adopted.

Paragraph 18

39. Mr. ALVAREZ VITA said that in the Spanish version the use of the conditional gave the impression that the members of the Committee did not all agree with the idea expressed in the paragraph, which was not the case. He therefore suggested that the words "sólo podrían justificarse" (could only be justified) should be replaced by "sólo son justificables" (can only be justified).

40. The CHAIRMAN said he shared that view and proposed that the words "could only be justified" should be replaced by "can only be justified" in the English version.

41. Paragraph 18, as amended in the Spanish and English versions, was adopted.

Paragraph 19

42. Mr. ALVAREZ VITA proposed that the indicative mood should be used systematically instead of the conditional mood in that paragraph, for the reason already given. In the Spanish version, "deberían" should accordingly be replaced by "deben" in the last four sentences of paragraph 29.

43. Mr. SIMMA raised the objection that the Committee's general comments were not binding but were by way of recommendation, a nuance that was clearly reflected in the use of the conditional. It might in fact be more a question of usage than of actual meaning, since at the United Nations, "should" was used in preference to "must" in English texts.

44. Mr. ALVAREZ VITA said that he was well aware that the Committee's general comments did not entail any obligation, but pointed out that the experts on the Committee were there in their personal capacity; they did not, therefore, necessarily have to adopt United Nations practice and, without exceeding their mandate, could unquestionably say in a general comment what they thought must be done to ensure the application of any rights set forth in the Covenant. Using the conditional to express a view that was fully endorsed by the Committee would amount to toning down such an assertion.

45. The CHAIRMAN said that it was perhaps just a language problem; in English, "should" was strong enough.

46. Mrs. JIMENEZ BUTRAGUEÑO agreed with Mr. Simma that the distinction should be drawn between States parties' obligations under the Covenant and the conduct recommended to them so that they could fulfil their obligations. In the case at issue, the conditional (deberían) seemed too weak and the present (deben) too peremptory, and she would opt for the future tense (deberán).

47. Mr. ALVAREZ VITA endorsed that solution for the Spanish version of the text.

48. The CHAIRMAN noted that the members of the Committee agreed to replace "deberían" by "deberán" in the Spanish version of the last four sentences of the paragraph under consideration, which remained unchanged in the English version.

49. Paragraph 19, as amended, was adopted.

50. General Comment No. 4 (1991), as a whole (E/C.12/1991/CRP.2/Add.1), as amended, was adopted.

51. The CHAIRMAN said that, in adopting that general comment on one of the rights set forth in the Covenant, the Committee had taken a significant step forward in a process which must remain open-ended, since there was nothing to prevent the Committee from reconsidering the comment at a later stage to refine and update it in the light of any comments and suggestions made by Governments, competent United Nations agencies and the non-governmental organizations concerned, or even experts on the subject.

ORGANIZATION OF WORK (agenda item 4) (continued)

Review of methods of work of the Committee

Relations with other treaty bodies

52. The CHAIRMAN reminded Committee members that they had agreed to designate from among themselves the experts who would be responsible for following the work of other treaty bodies and briefing the Committee on any new developments relating both to substantive issues considered by those bodies and to their methods of work which might be of particular relevance to the Committee.

53. Mrs. Ider offered to follow the work of the Committee on the Elimination of Discrimination against Women, Mrs. Bonoan-Dandam that of the Committee on the Rights of the Child, Mr. Simma that of the Committee on the Elimination of Racial Discrimination, Mrs. Jimenez Butragueño that of the Committee against Torture and Mr. Mratchkov that of the Human Rights Committee. He proposed to designate those experts as the Committee's "liaison officers" with those bodies.

54. It was so decided.

55. Mr. SIMMA asked whether the "liaison officers" were simply meant to inform the Committee of changes in the methods of work of the other treaty bodies or whether they also had to report on doctrinal developments.

56. The CHAIRMAN said that one did not preclude the other if the new developments were relevant to the Committee's work, although the primary concern was the methods of work of the other monitoring bodies; nor was there anything to prevent the designated expert from drawing attention to cases where the report submitted to the competent body by a State party had raised major problems. Ultimately, it was for the experts to determine what they thought would be most helpful in improving coordination between the various treaty bodies so as to avoid overlapping and duplication in their work in the future.

57. Mrs. JIMENEZ BUTRAGUEÑO expressed the view that it would be useful for the designated experts to meet to exchange views and establish a common position on what their task should entail.

58. The CHAIRMAN suggested that those concerned might agree among themselves on holding such a meeting.

Public information activities

59. The CHAIRMAN recalled that, at its fourth session and again at its fifth session (E/1991/23, para. 260), the Committee had requested the Secretary-General to undertake the preparation of a brochure describing the work of the Committee in detail. In the meantime, as the Committee had been informed at the beginning of the sixth session (E/C.12/1991/SR.1), the Centre for Human Rights had published a fact sheet on the Committee (Fact Sheet No. 16) which he thought was most inadequate. He therefore proposed that the Committee should take note of Fact Sheet No. 16 and state at an appropriate place in its report that, while welcoming that publication and noting that it included four pages of general information on the work of the Committee, the Committee considered that it did not satisfy the need for a booklet "describing in detail the work of the Committee". The Committee would also state that, because of the continuing widespread lack of awareness of its work, there remained a pressing need for a detailed and informative analysis of its functions, procedures and concerns and the measures it had taken, and for that analysis to be made widely available. The Committee would therefore request the Secretary-General to make appropriate arrangements, as soon as possible, to ensure the preparation of such an analysis. For that purpose it would authorize its Chairman to pursue the matter with the Secretariat and to inform it at its next session of any progress made.

60. The Chairman's proposal was adopted.

Resource room

61. The CHAIRMAN recalled that the Committee had repeatedly requested that a resource room should be made available to it. Since the request had elicited no response, he proposed that the Committee should renew its request in the

terms it had used in its report on the fifth session (E/1991/23, paras. 261 and 262), subject to any necessary changes and adding the following text:

> "The Committee observed that it made little sense for the Secretary-General to be offering various forms of technical assistance to States parties in relation to the Covenant and other instruments while failing to take a major step specifically requested by the meeting of persons chairing the human rights treaty bodies held in 1988 and reiterated by the Committee in 1989, twice in 1990 and in 1991. It therefore expressed the hope that the matter would be treated with the urgency it deserved. It indicated that such an information facility should be located in the Centre for Human Rights and not in the Library or any other location distant and detached from the Centre."

62. The Chairman's proposal was adopted.

The role of United Nations information offices

63. The CHAIRMAN proposed, on the subject of United Nations information offices, that the Committee should repeat in its report on its sixth session what it had said in its report on its fifth session (E/1991/23, para. 268), with the following addition:

> "The Committee took note with satisfaction of the information provided by the Under-Secretary-General for Human Rights to the effect that this recommendation would henceforth be implemented by all information offices."

In doing so, the Committee would simply be taking note of the positive response to one of its requests.

64. The Chairman's proposal was adopted.

Day of general discussion

65. The CHAIRMAN proposed that the day of general discussion at the following session should be devoted to approaches at the national level for promoting the realization of economic, social and cultural rights and for giving effect to the obligations set forth in the Covenant.

66. Mr. KONATE pointed out that there had also been a proposal to prepare a discussion note on article 15 of the Covenant which would serve as a basis for the general discussion at the Committee's forthcoming session.

67. The CHAIRMAN withdrew his initial proposal and suggested that the Committee's general discussion at its seventh session should focus on the right to take part in cultural life as recognized in article 15 of the Covenant.

68. It was so decided.

Follow-up to the discussion note on the problems of the elderly (E/C.12/1991/WP.1)

69. Mrs. JIMENEZ BUTRAGUENO said that she wondered, in the light of Committee members' comments, how the work she would be undertaking to follow up the discussion note on the problems of the elderly which she had submitted to the Committee at its current session would fit into the Committee's deliberations at its seventh session.

70. The CHAIRMAN recalled that the Committee had decided to ask Mrs. Jimenez Butragueño to continue her study of the question of the elderly and to focus her further research specifically on the interrelationship between the various parts of the Covenant and issues relating to the elderly. He proposed that the Committee should also ask Mrs. Jimenez Butragueño to prepare a draft general comment on the subject. The draft would be submitted, inter alia, to the representatives of the competent organizations and bodies which might make their own comments, and would be considered by the Committee for adoption.

71. It was so decided.

Remuneration of Committee members

72. The CHAIRMAN reminded the Committee that it had decided (E/C.12/1991/SR.22) to ask the meeting of Chairpersons of the human rights treaty bodies to look into the reasons why the members of three of those bodies, including the Committee, received no remuneration. That point should be included in the Committee's report on its sixth session.

Meeting of the pre-sessional working group

73. The CHAIRMAN said that the Committee had agreed that the pre-sessional working group should meet well in advance of the Committee's session, in May, June or July, for example (E/C.12/1991/SR.22). He announced that, depending on the date fixed, the Group of Western European States would be represented either by Mr. Simma or by Mrs. Jimenez Butragueño.

74. Mr. MUTERAHEJURU said that the Group of African States designated Mr. Konate as its representative on the working group.

75. Mr. MRATCHKOV said that the Group of Central European and Eastern European States proposed to designate Mr. Neneman to represent it on the working group.

Non-submission or late submission of reports

76. The CHAIRMAN said that, pending the designation by the Group of Asian States and the Group of Latin American States of their representatives on the working group, the Committee might attempt to settle the matter of non-submission or late submission of reports by States parties.

77. At its fifth session, the Committee had recommended a draft decision (E/1991/23, draft decision I) for adoption by the Economic and Social Council,

listing by name 12 States which had been parties to the Covenant for more than 10 years but had yet to submit even an initial report. The draft had responded to the concern expressed by the General Assembly, the Economic and Social Council and the Commission on Human Rights that the Covenant should be rendered meaningless by States which failed to comply with their obligations while proclaiming that they were parties to the Covenant. The Committee had also recommended that the Under-Secretary-General for Human Rights should transmit a note verbale to each of the States parties that had not yet submitted a single report and ask them if they required assistance in preparing their reports. It appeared that that initiative had been fruitless since 11 of the States listed in draft decision I had still not responded to the appeal. It would therefore be necessary at the current session to adopt either a draft decision worded in exactly the same terms as the previous one and naming the 11 States, or a text taking account of the fact that a year had elapsed since the adoption of the previous draft decision and that a larger number of States had therefore been parties to the Convention for more than 10 years. If the second solution was adopted, the words "for more than 10 years" should be replaced by "since at least 1982", and 16 States would be listed by name.

78. Mr. NENEMAN proposed that, for practical reasons, a deadline should be set for the submission of reports by States in arrears, for example the date of the opening of the World Conference on Human Rights.

79. The CHAIRMAN said that the Committee might also follow the new system adopted by the Committee on the Elimination of Racial Discrimination (CERD).

80. Mr. HOUSHMAND (Representative of the Secretary-General) explained the system in question: CERD informed the States concerned that it would be considering, at its following session, on the basis of previous reports and any other available information, how the Convention on the Elimination of All Forms of Racial Discrimination was applied on their territory. CERD invited those States to submit information in the intervening period and, if they so wished, to have representatives attend the meeting at which CERD considered the situation in their country. The system applied only to periodic reports that were 10 to 15 years overdue, however, and not initial reports by States parties. Furthermore, it had only been in operation for a few months and it was too early to assess its effectiveness.

81. The CHAIRMAN said that the Committee might state that it attached the utmost importance to the receipt of reports, that it noted that in many cases States parties had not submitted a periodic report for many years and that it intended, at its following session, to adopt a timetable for the consideration of the reports of those States parties according to criteria that would be determined at that time. The Committee would have to calculate the exact number of States with overdue reports and specify the number of years in arrears it considered unacceptable; it might say, for example, that, as from the seventh session, the case of any State party whose periodic report had not been submitted for at least five years would be placed on the agenda of a subsequent session. In that way States parties would know that the Committee was keeping a watchful eye on any failure by them to meet their obligations.

82. Mr. KONATE observed that it should be for the Secretary-General to take the initiative in offering the advisory services of the Centre for Human Rights to States in difficulty. By merely noting, as was stated in the last sentence of the draft decision adopted at the fifth session, that those States might wish to avail themselves of those services, the Economic and Social Council was losing sight of the fact that Governments were not always aware of the services available to them.

83. The CHAIRMAN agreed with Mr. Konate that, in its new draft decision, the Committee might request the Secretary-General to "make contact with" those States to offer them the necessary advisory services.

84. Mr. NENEMAN thought that it would be a good idea, as the Chairman was proposing, to draw up a timetable for consideration of the situation in States whose reports were long overdue; furthermore, it would be easier for the Centre for Human Rights to plan ahead if it knew how many States were late in submitting their reports and at what Committee session the situation of those States would be examined. The timetable could be sent to the States parties with a covering note inviting them to submit a report before the date scheduled for consideration of their situation. That would be better than repeating a draft decision which had had no effect.

85. The CHAIRMAN said that he was open to any initiative showing that the Committee was determined to demonstrate the utmost firmness. He proposed that in the case of States that had already submitted an initial report, the Committee should adopt the CERD approach of informing those States that it was intending to place consideration of the situation in States that had failed to submit any further reports for over five years on the agenda of one of its forthcoming sessions. The case of States that had not yet submitted a single report was more difficult to handle. Perhaps those States should be informed that the Committee was proposing, at its following session, to adopt a procedure for consideration of reports applicable to States parties that were more than 10 years late in submitting their initial reports.

86. Mr. MRATCHKOV stressed the fact that the decision concerning the non-submission of reports by States parties adopted by the Economic and Social Council on the Committee's proposal at its fifth session had not yielded the expected results. However, given the importance of the issue, he subscribed to the idea of adopting another decision along the same lines giving the names of the States which had been parties to the Covenant for at least 10 years and had still not submitted an initial report.

87. Regarding States parties that had not submitted reports for five or six years, the exact length of time remaining to be determined, he thought that the Committee should indeed state in the report on its sixth session that, concerned as it was about the non-submission of periodic reports, it was placing the question on the agenda of its next session.

88. Mr. SIMMA, responding to Mr. Mratchkov's comment that the Committee's initial decision had had no effect, said that States whose names might be included in the second draft decision had perhaps sent in their reports in the meantime.

89. With regard to an assessment of the situation in States parties that had not even submitted an initial report, he pointed out that the Committee on the Elimination of Racial Discrimination had the benefit of information provided by a large number of non-governmental organizations, which was not the case of the Committee on Economic, Social and Cultural Rights. While agreeing to the idea of adopting a new draft decision on the non-submission of reports and of announcing that the Committee would be considering the adoption of an appropriate procedure at its following session, he wondered how the Committee could make up for the lack of information from States parties.

90. The CHAIRMAN said that the Committee might request the Secretariat, the Chairman, the Rapporteur or the officers to collect information about a State party from United Nations bodies and organizations and compile a file which would certainly be more substantial than those usually submitted by States parties. In any event, the lack of reports ought not to prevent the Committee from fulfilling its mandate. The present situation was unacceptable, because there were, on the one hand, States parties which submitted reports and sometimes came in for criticism from the Committee or were asked to provide additional information and, on the other, States parties which did not submit reports and went uncriticized. He saw no harm in postponing consideration of the matter until 1992, but thought that, rather than making a recommendation to the Economic and Social Council, the Committee should state in its report that it was most concerned about the non-submission of initial reports by States that had been parties to the Covenant for many years, and that it had decided to consider at its following session how the matter could best be settled in each case, in accordance with the letter and spirit of the Covenant.

91. Mrs. JIMENEZ BUTRAGUEÑO proposed the insertion, in the table of contents of the report on the sixth session, for instance under Chapter II between section A on States parties and section B on the opening and duration of the session, of a new section concerning countries that had not submitted reports. That would be bound to draw attention to the countries which were not complying with their obligations.

92. The CHAIRMAN agreed with that idea and proposed the further addition, at the end of the Committee's report, of the list of States parties that had never submitted initial reports and of those that had not submitted periodic reports for more than five years, for example.

93. Mr. BADAWI endorsed the Chairman's proposal to collect information about States parties which had never submitted a report to United Nations bodies and agencies. The Committee would need to decide whom might be entrusted with the task of compiling the file and what sources might be used. The Committee should look into those matters at the following session. In any case, whatever decision it took in regard to States parties that did not comply with their obligations, it must be more strongly worded.

94. The CHAIRMAN said that he would prepare a draft decision which he would submit to the members of the Committee before the end of the session.

Procedure to be followed in examining additional information requested of States parties (continued) (E/C.12/1991/SR.15)

95. The CHAIRMAN proposed to the Committee that it should transmit to France and the Netherlands the recommendations of the pre-sessional working group (E/C.12/WG/1991/CRP.12 and 13), as amended by the Committee, accompanied by a note verbale or a letter from the Chairman informing them of the discussion in the Committee regarding the additional information submitted by those countries (E/1989/5/Add.1 and Add.2) and of its decision to examine such additional information at its following session (E/C.12/1991/SR.15).

96. It was so decided.

Note to the Government of the Dominican Republic (continued) (E/C.12/1991/SR.19)

97. Mr. SIMMA, reverting to the question of the note to be sent to the Government of the Dominican Republic on the subject of large-scale evictions, recalled that there had been some question of a possible visit to the country to look into the matter (E/C.12/1991/SR.19).

98. The CHAIRMAN proposed an addition to the text of the note which had been adopted, namely, that, in accordance with articles 22 and 23 of the Covenant, advisory services could be provided to the State party concerned and that the Committee was prepared, if need be, to send one or more members to the Dominican Republic for that purpose.

99. It was so decided.

Letter to be sent to States parties which had not submitted reports

100. Mrs. JIMENEZ BUTRAGUEÑO said she understood that the Secretariat was to have drafted and submitted to the Committee a model letter requesting States parties that had not done so to submit their reports.

101. The CHAIRMAN said that the Secretariat had in fact prepared a draft letter but that he had not time to examine it. As it was not an official Committee document, he proposed that the officers should be entrusted with the task of finalizing the wording of the letter.

102. It was so decided.

The meeting rose at 12.45 p.m.